

A faithfull Report of  
proceedings anent the As-  
semble of Ministers at *Abir-*  
*deen* vpon Twesday  
2. Iuly 1605.

Proverb. 18. vers. 17.

*He that is first in his owne cause is inst,  
then cometh his neighbour  
and maketh inquirie  
of him.*



21. Februar. 1606.

THE JOURNAL OF THE

AMERICAN GEOGRAPHICAL SOCIETY

FOR THE YEAR 1891

EDITED BY

JOHN W. COOPER

NEW YORK

1892

PUBLISHED BY

THE AMERICAN GEOGRAPHICAL SOCIETY

100 N. 3RD ST. N. Y. C.

1892

PRICE

50 CENTS

PER ANNUM

IN ADVANCE

BY

THE AMERICAN GEOGRAPHICAL SOCIETY

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A faithfull Report of proceedings anent the Assemblie of Ministers at *Abirdeen* vpon Twesday the second of Iulij 1605.



Lthough I haue been in *England* many yeeres, yet I cānot but be moved with the grievous traducing of faithfull Ministers in *Scotland*, which I heare euery day as I haue occasion to meet with men either addicted (more or lesse) to Papistrie, or vtterly ignorāt of Scottis-affairs. Traducing, I saye, sic Ministers as if they were indeed guiltie of high treason. A lively member of the Kirk cannot but be sensible of the troubles thereof, in what part of the world so e-

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uer he be : How then can I be vnmoued to heare sic things of the principal members of the Kirk in *Scotland*, so neare and deare not only to Scottis-mē, but to English-men too, if they be truely religious ? For doeth not euery wise-hearted Christian evidently perceiue, that (among other Stratagemes of this declining age) Satan would blemish the gospel and vnderminde the Kirk, through the sides of those faithfull Ministers.

I haue thought it therefore very necessarie to collect and set downn this faithfull *Report*, hoping that th'indifferent Reader will suspend his iudgement, till *Trueth* (*Times daughter*) be fit to shew her selfe in publick. I cōfute no obiections, because I would not offend : and besides *Rectum est index sui & obliqui*. Lastly I call this *Report faithfull*, because I haue faithfullie collected the same out of faithfull intelligences sent out of *Scotlande* from faithfull Brethren; and not because I can ovow (though I beleeeve) everie part thereof to be vndoubtedly true. And therefore pray with protestation that this Report  
be



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be not preiudiciall to a more evident truth, which hereafter may bee published by authoritie; or by the Ministrie.

In the Generall Assembly at *Halyrudshous*, in *November* 1602. the Brethren consented to his Ma: that the next Assemblie should be at *Abirdeen* the last *Tuesday* of *Iuly* 1604. and not before (Notwithstanding it was then and there ordained with his Ma. consent, that the diets of Assemblies be appointed, and kept precisely euerie yeere according to an act of Parliament 1592) Respecting his Ma. pleasure so much, as that they did not duly consider how preiudiciall it might proove to the libertie of the Kirk, to transgresse the said Actes of Parliament, and Generall Assembly, in not holding with all cōstancie the Generall Assembly *Once* (at least) euerie yeere.

That their exceeding regard of his Ma: pleasure may zit more appeare, it is not to be forgotten, that the Presbyteries yeelded to a Letter dated at *Perth* 4. *Iuly* 1604. and subscribed be the Laird of *Lowreston* the

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Kings Commissioner, *Maister Patrik Galloway*, Moderator of the said Assemblie at *Holyrudehous* and *Maister Richard Thomeson*, Clerk to the Commissioners, in name of the Commissioners of the Generall Assembly: Whereby they were certified that it was his Maiesties pleasure that the Assembly should be cōtinued to the *First Tuesday of Iuly 1605.* if advertisement came not sooner. And this they did, notwithstanding an Act of the Assembly at *Holyrudehous*, whereby all power was taken from the Commissioners of the Generall Assembly, to make any alteration, drift or delay of the diet of the Generall Assembly: Which act was made with his Maiesties consent, to remooue a iust conceyued grief of the Kirk.

The Generall Assembly being so manie yeeres deferred, open scandalls so multiplied, and the rather because inferior Iudicatories were contemned by the chiefest malefactors, who did elude, and escape their censures by appellation to a Generall Assembly, which they neuer expected, and Papists  
grew

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grew so insolent, Iesuites and Seminarie Priestestravayling securely within the kingdome, That of necessitie many Synodes and Presbyteries vsed many meanes and Mediators, yea many Commissioners from many Provinces, convening at *Saint Iohnstone* in *October 1604.* made (with consent of his Maiesties Commissioner) a Supplication to his Maiestie, for hasting the General Assembly; But all to no great purpose.

For not long before the vttermoſt day of Assembly were letters dated at *Edinburgh*, subscribed as those from *Perth*, and directed to the Presbyteries, advising them not to keepe the fifth day of Iulij : Which error of naming the fifth day for the *First Tuesday*, which was the *second* day of *Iuli* directly appointed in the said letters from *Perth*, whether it were of purpose or no, it is not certain. But so it was that the Commissioners of some Presbyteries by reason therof came not to *Abirdeen* till the 4. and 5. dayes of *Iuli*, and some not at all.

The causes mooving the Presbyteries to



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send their Commissioners (these letters notwithstanding) were these. 1. They came too late. 2. They were not with command, but by way of advice. 3. By the said Act at *Halyrudehous*, the power of altering or delaying the Diet of Assemblies was taken from the Commissioners of the Generall Assemblie. 4. No other day and place were appointed. 5. The danger of the forsalting the libertie of the Kirk, and 6. The necessitie of an Assemblie.

The Ministers who convened at *Abirdeen* the second of Iuly were these, Maist. Iohn Forbes, Ma. Iohn Munro, Ma. Andro Duncan, Ma. Alexander Strancken, Ma. William Forbes, Ma. Robert Zoungson, Ma. Iames Irving, Ma. Charles Ferme, Ma. Iohn Sharp, Ma. Robert Durie. Ma. Archibald Blackburne, Ma. Iames Rosse, Ma. David Rail, Ma. Alexander Strogie, M. Iames Mill, Ma. David Robertson, Ma. William Davidson, Ma. Robert Reed, and Iohn Rough, in all 19.

After the sermon made by Ma. Iames Rosse Minister at *Abirdeen*, the Brethren convened  
in



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in the Kirk with the Laird of *Lowreſton*, & by mutuall conſent cōtinued their donn ſitting till the after noone in expectation of mo Brethren hindred in their iourney, as was ſuppoſed, by iniurie of weather. At twoo houres in the after noone they mett in the *Session-houſe*, within the Kirk of *Abirdeen*, and after incalling on the name of God by Mai. *David Rout* Moderator of the Synod of *Abirdeen*, in place of *M. Pal. Galloway*, they ſent for the ordinarie Clerk of the Aſſembly, who went to them; At which time the Laird of *Lowreſton* ſitting don amongſt them, affirmed: *That though he might charge them, yet he would rather make uſe of a miſſive Letter from the Lordes of the ſecret Councell, directed to the Miniſterie in their Aſſembly at Abirdeen*, which he deſired them to read and answer. But vn- till a Moderator was choſen, that could not be. He named Maifter *Iohn Forbes* to be the mouth for the reſt; But perceiuing that the Aſſembly would proceed orderly in their election, he remooved him ſelfe of his owne free will, That (as he openly declared) hee might

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might eschew to be quarelled & found fault with, for seeming to approove the said Election by his presence, if it should fall out that he and they should not agree. After his removing, they desired Ma. *Thomas Nichol-son* (ordinarie Clerke to the Assembly) to remaine with them, and to do his office, He refused til he should see how the issue of their doings should content the Laird of *Lowreston*, and so (but first desiring and obtayning dispensation for his absence) he likewise removed himselfe.

The Assembly proceedes, & having put in lytes Maister *Robert Durie*, Ma. *Iohn Munro*, and Ma. *Iohn Forbes*, who were in election, with generall consent choose Mai. *Iohn Forbes* Moderator, and the rather, because they were willing to respect the Laird of *Lowstones* nominatiō; and after prayer made by the new Moderator, they did choose M. *Iohn Sharp* Clerk for that time.

After this election the Letter missiue was read, and the iudgement of the Assemblie craved. The letter consisted of two pointes;  
first

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first that the Assembly should be presently dissolved; and secondly, that no new diet should be appointed till his Maiestie were acquainted therewith. And yet it was agreed betweene the Lord *Chancellor* and Mai. *John Forbes* in *Edinburgh* before the Ministers met in their Assembly at *Abirdeen*, that the Ministers should meet, and (vpon request of the Councell) having fenced their Assembly, continue the intreating of all things to a new day. The Assembly yeelded to the former, But for reasons before mentioned, thought it needfull to appoint a new diet, if the Laird of *Lowreston* would not, but if he would they agreed to consent thereto, were the day appointed long or short. They sent & desired his presence. The Moderator declared to him the iudgement of the Assembly, & he approved the former part of their conclusion, but refused to designe any time long or short, Albeit the Assembly assured him that vpon the reverent respect they had to satisfie his Ma. desire, they would bee also readie afterward to continue to a certen day,  
if



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if his Ma. should require the same. After long reasoning was brought to consider the necessity of continuing the Assembly to a certaine time : and the rather, because ( as hee him selfe did there openly report ) it was thought they should never haue Assembly againe : but yet would not agree therevnto, because ( as he affirmed ) he had no warrant so to do. He therefore againe did voluntarily remooue him selfe, though he was desired to stay, giving the second time the same cause of sic remooving him selfe, which hee gaue before.

Presently after, The intreating of the affairs of the Assembly were continued to the last *Tuesday of September* then next following at *Abirdeen*; & intimation ordained to be made in all Presbyteries according to the order & custome observed in sic cases. Which being done, & the Assembly readie to dissolue, the Laird of *Lawreston* returned of him selfe ( for the doores were neuer shut ) and protested that he did not acknowledge their meeting for a lawfull Assemblie from the beginning;  
Bc.



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Because of the absence of M. Patrik Galloway, Moderator of the former general Assembly; & of the ordinary clerk: (Here it is to be noted that the number of Ministers assembled, was not the excepted against.) To the protestation the Moderator (in name of the rest) answered that the reasons thereof notwithstanding, it behoved the Assembly to be lawful: Because of the warrant .1. of Gods word. 2. Lawes of the Realme. 3. continuall practice of the Kirk, since the yeere of our Lord 1565. But most clearly set downn in the book of discipline established in this Lande, at his Ma. owne desire publickly made to the General Assembly holdē at Glasgo, 1581. where in the 7. ca. art. 3. & 4. it is thus written: *All ecclesiasticall Assemblies haue power to conuene together for treating of things cōcerning the church pertaining to their charges. They haue power to appoint times and places to that effect, & one Assembly to appoint diet, time and place of another.* 4. The subscription and oath of the King and all his subiects. 5. The said letter of the Commissioners from Perth and. 6. Presidents in the

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the Register of the Assembly of choosing a new Moderator in absence of the old, and a clerke for the time in place of th'ordinarie.

In meane time the Lord of *Lowreston* caused *Iohn Wisheart* messinger to charge the Assembly with letters of Horning to suffer the same to desert, and gave a subscribed copie to the Moderator in name of the Assembly: The reasons whereof were these. 1. That his Ma. had signified that he could not be resolved anent a general Assembly till the Parliament was past. 2. That this Assembly was without his knowledge & consent. Therevnto Obediēce was given instantly, the Moderator craving a certificat of the same vnder the hand of the messinger, who was also a publike Notarie: but he refusing, The Ministers after the dissolving of the Assemblie with prayer by the Moderator, went presently to the cōmon Clerkes chamber of *A-birdeen*, & tooke instruments of their obedience to the said charge: Which was t'honly charge that ever they heard of first or last by publick or private intimation or knowledge  
what-

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whatsoever, as they protested vpon their salvation in their Apologie send afterward to his Maiestie.

Of this charge no mention was made to the Lords of the secret Coucel, but another was alleadged to haue ben giuen by vertue of the same letters on *Monday the first of Iuly* by open proclamatiō at the mercat crosse of *Abirdeen*. Whereas (in trueth) there was no sic thing don. For then the Laird of *Lowreston* would haue intimated the same, whē he delivered the said letter misssue, & not haue said that he might haue charged them, if he would. Againe, it can be proved that from the first comming of the Laird of *Lowreston* and his servants into *Abirdeen* to eight houres in the night, there were cōtinually about the mercat crosse, walking fundrie honest men, who heard of no sic matter. Moreover, if the indorsement of the said supposed charge were true, to wit, that it was executed before. 2. witnesses, both seruantes to the Laird of *Lowreston*, betweene 7. and 8. houres at night, yet it was to no purpose.

Be.



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Because it was not executed in the morning betweene eight and 12. houre at noone, before famous witnessses according to an act of Parleament 1587.

Vpon *Thursday* and *Friday* following by reason of the error of the Commissioners Letter aforesaid, came to *Abirdeen* Mai. *Iohn Welsh*, Mai. *Nathaniel Inglis*, Ma. *Iames Greig*, Ma. *Iohn Zoung*, Ma. *Thomas Abirnethie*, Ma. *Archibald Symson*, Ma. *Nathaniel Harlaw*, M. *Abraham Henderson*, and *Iohn Rosse*: who finding the Assembly dissolved, and having received a subscribed copie of the proceedings thereof, went to the place where the Assembly was holden, and for the discharge of their Commission, tooke instruments vnder the handes of two Notaries, that they were come to haue kept the said Assembly, and that they did ratifie all the proceedings thereof, in their own names, & in the names of the Presbyteries who sent them.

After which proceedings, the 24. of *Iuli*, Mai. *Iohn Forbes* being in *Edinburgh* of purpose to satisfie the Lords of Councill anent  
the



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the alleadged diſobedience to his Maieſties charge, was ſend for by the Coucell to ſpeak with them who were conuened, conſiſting of 6. Lords and 7. or 8. of the late Biſhops, & Commiſſioners of the Generall Aſſemblic (a noveltie not heard of before in Scotland) and was commanded to warde in the Caſtle of *Edinburgh*, becauſe he would not condemne the Aſſembly at *Abirdeen* by his private iudgement, albeit he ſubmitted him ſelf and proceedings thereat to the General Aſſemblic.

Maifter *Iohn Welſh* being alſo in *Edinburgh*, was charged by a Meſſinger to compeir before the Councell the next day following; who compeiring & refuſing to giue his oath, as he tooke it *ſuper inquirendis*, albeit he offered it vpon the knowledge of the particular interrogatories, was likewiſe warded in the *Tolbuth* till eleaven houres, at which time both he and Mai. *Iohn Forbes* were transported to *Blacknes*.

The ſecond of *Auguſt* Ma. *Robert Durie*, Ma. *Andro Duncan*, Ma. *Alexander Strancken*, and  
B Ma.

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*Ma. Iohn Sharp*, being summoned, compeired before the Councell, and with them *M. Iohn Welsh*, who was brought from *Blacknes* vpon his offer to giue his Oath vpon the pointes of his summonds, and were all committed to prison in *Blacknes*, for the same cause for which *Ma. Iohn Forbes* was imprisoned.

The *third* of *October* other 14. of those, who had been either the 2. or 5. day of *Iuly* in *Abirdeen*, being cited before the Councell 7. of them, because they doubted of the lawfulness of the Assembly, til it were discussed in a free Generall Assembly, were remitted home; and other 7. were warded for the same cause, for which the rest were imprisoned before. To wit, *Mai. Charles Ferme*, and *Ma. Iohn Munro* were warded in the Castle of *Dorone*, *M. Nathaniel Inglis*, & *M. Iames Greig*, in the castle of *Dumbertome*, *M. Iames Irving*, *Ma. William Forbes* and *Iohn Rosse* in the castle of *Stirling*. The rest who were at *Abirdeen* the 2. and 5. of *Iuly* were not summoned, and so spared by the providence of God.

After sundrie Supplications, the saide 13.  
impri-

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imprisoned Ministers wrote reasons to proove the Summonds frō the secret Councell, and proceedings before them to be prejudiciall to the authorised discipline of the Kirke, and contrarie to the laudable order observed in the Realme. And most humbly besought their Lo: in the name of the Lord Iesus Christ, who shall iudge the quick and the dead, to remit their cause and trial thereof to the Generall Assembly as only iudge competent thereto: as also to dimit them in peace that they might attende on their callings. Which Supplications not regarded, they gaue to the Lords a Declinator subscribed by them at the said 24. of *October*. Whereby they did appeale, as it were, frō the King and the Councell, to the K. and General Assembly: yet so that they did alwaies acknowledge themselves bounde to submit to the Councels iudgement, in any matter wherein any other subiect was bound to submit. And howsoever they referred the answering of theticall Interrogatories to the Generall Assembly, yet to cleare themselves of crimes



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objected, they answered particular accusations & hypotheticall interrogations in their Resuming of the said Summons and Apologie to his Ma.

Their Reasons of declining the Councils iudgement contained in their last supplication, and pleaded when they gaue their Declinator, be these.

1. They alleadged and read an act of Parliament in anno 1592. whereby a former act of Parliament anno 1584. making it treasonable to decline the King & Councils iudgement was interpreted, (for it passed whē the principall members both of Kirk and Commonwealth were forced to forsake the land, and it was neuer put in executiō) not to derogate any thing to the priuiledge that God hath given to the spirituall office-bearers in the Kirk concerning any essentiall censure having warrant of Gods word. But to iudge of the lawfulness or vnlawfulness of Synodes (wherof the General Assembly is the finew and life) is an essentiall censure, having warrant of Gods word.

2. By



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2. By the practise of the Kirk since the act of Parliament 1584. recorded in the Register of the Assembly, one Assembly hath euer discerned and iudged another, and the proceedings thereof, as is evident in the Generall Assembly holdē at *Dundie* anno 1597. which allowed the Assembly at *Perth*, & the proceedings thereof; at both which Assemblies his Ma: was present: and (which is more) he required the question made of the former to be decided by the later Assembly, as properly pertayning to that Iudicatorie. And in his Ma: Proclamatiō given to *Hampton-Court* 26. of *September* 1605. His Ma: not forgetting the practise of this Kirk, expecteth reparation of the supposed disorders of the Assembly (for which we are called in question) at the Assembly to be holden at *Dundie* the last *Tuesday* of *Iuly* next.

3. If the Councill should take vpon them to iudge & censure the lawfulness or vnlawfulness, the validitie or invaliditie of an Assembly: What were this, but to confounde Ecclesiasticall, & Ciwill Iudicatories, which

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hitherto haue been by law and practise happily distinguished: and which his Ma: in the Declaration of the saide Act of Parliament, anno 1584. professeth to bee farre from his meaning. *His intention being (as he there affirmeth) not in sort to take away the lawfull and ordinarie iudgement in the Kirk, whereby Discipline and gude order might decay; But that as temporall Magistrates do iudge in temporall matters, so Spirituall Iurisdiction should haue the ordinarie triall in matters belonging to the Ministrie and their estate.*

Moreouer, It may be affirmed, that it is no new thing to decline the Councell. For 1. there is a Declinator yet extant, subscribed by the handes of those same men of the Ministerie, who are now most against vs, & more then 300. Pastors : and 2. It is also, and hath been an ordinarie custome in civill and criminall matters even of Civill persons to decline the Councell, and to take them to the iudgement of the Lords of Session, or to the Iustice, vpon the different qualitie of the civill fact.

At

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At this time Ma. *Robert Zounson*, one of those who had been remitted from *Perth*, because he doubted of the lawfulness of the Assembly, being mooved in conscience, returned; and the same day and houre when these 13. were standing before the Councel in that cause did compeir, and desiring to be heard did acknowledge his ouersight at *Perth*, and confesseth his trouble in conscience. And therefore that albeit not summoned by their Lo: yet charged by the living God, was compelled to come thether that day to iustifie that Assembly, & whole proceedings thereof, to the great astonishment of the Lords, and comfort of his brethren; who also subscribed the Declinator with them. Who all thereafter were sende backe to their seuerall prisons, & Ma. *Robert Zounson* to the Castle of *Stirling*, with the other three that were warded there, and so as yet all continue in warde.

In their Resuming of Summondes and Apologie before mentioned, the Ministers cleere thē selues of crimes obiected, by nar-



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ration of their proceedings alreadie reported, and reasons therein comprised; and zet further by these Apologeticall answers.

First, the true cause of the lawfulness of ecclesiasticall Synodes, and actions is the ordinance of Iesus Christ, who as King of his Kirk, hath prescribed and commaunded the same in his word, as is affirmed in the saide booke of Discipline, cap. 1. art. 10. So that the act of Parliament in anno 1592. is not the only warrant of sic Synods and actions, being but the ciuill approbation of our christian Soueraigne mooved of christian dutie, in testification of his subiection to Christ, & willingnes to haue all his subiectes brought vnder humble obedience to the sceptor of Christ, as may appeare by these wordes of the said Act: *And declareth the said Assemblies Presbyteries, and Sessions, Iurisdiction and Discipline thereof, to haue been in all times bigane, & to be in all times comming, most gude, iust and godly in the selfe.* Therefore, and the rather because of our subscription and oath to mainteine the discipline of our Kirk contained in  
the

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the Confession of our faith, we had highlie sinned, if we had not forced the General Assembly, being not forbidden to meet by the Councell, nor by the Kings Commissioner, nor not by the Commissioners of the Generall Assemblie. For they only advised vs not to keepe the 5. day, and it was not kept. And seeing we had indangered the libertie of the Kirk, if we had not continued the Assemblie to a certen day. For authoritie designed none, wherevnto we might haue consented, and therefore, that day being expired, another could not bee appointed by the Kirke, according to the ordinance, and ordinarie custome of the same.

Secondly, we did not transgresse the said act of Parliament anno 1592. in any thing.

1. Because it is no instituting law, but a simple approbation of Assemblies as they are appointed by the Kirk. 2. Because the said Approbation declares that it shalbe lawful to the Kirke & Ministers euery zeere *once*, and ofter, as occasion fall require, to hold Generall Assemblies. 3. Because in the same statute

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tute it is provided that the King, or his Cō-  
missioner (if either be in the Towne where  
the general Assembly is held) be present, not  
to allow or disallow the convening or hol-  
ding of the said Assemblies, but only to no-  
minate the time & place of the next Assem-  
bly. And therefore it is provided that the  
King or his Commissioner be present at Ilk  
Generall Assembly before the dissolvinge  
thereof: Neither doth the proviso giue au-  
thoritie to the King or his Commissioner to  
nominate the time and place of the next As-  
sembly absolutely, or by him selfe, but con-  
iunctly and with the Assembly. But if nei-  
ther the King nor his Commissioner be pre-  
sent in the place of the Assembly, then the  
proviso saith expressly, that it shalbe lesum to  
the Assembly by them selues to nominate  
time and place of the next Assembly. But  
true it is, that his Ma: could not, and his Cō-  
missioner would not be present, but (as said  
is) voluntarily removed him selfe, while the  
Assemblie was continued to a certen time  
and place.

Third-



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Thirdly, let it be supposed that it was an offence to hold, and to continue the said Assembly, yet it was not to be imputed vnto vs, because we were but commissioners of fundrie Presbyteries, wherevnto, & not vnto vs in particular the saids letters from the Commissioners at *Edinburgh* were directed, which notwithstanding, the Presbyteries send vs vnto the Assembly, & approved our proceedings after the Assembly. So that the Presbyteries (if any) and not we are subiect to censure.

All which allegations notwithstanding, *Ma. Iohn Forbes, Ma. Iohn Welsh, Ma. Robert Durie, Ma. Andrew Duncan, Ma. Iohn Sharp,* and *Ma. Alexander Strancken* were brought by the guard frō *Blackenes* to *Linlithgow*, there to be arraigned vpon *Friday 10. Ianuary* last, before the secret Councell of Treason, because they declined the iudgement of the said Councell, contrarie to the saide Act of Parleament anno 1584.

The Councell first dealt with them instantly, to depart from their Declinator for  
his

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his Ma: satisfaction. They were willing, so that all proceedings might be holden *pro de-  
leto*. Then the Councill willed them to take  
advise of their brethré, who were many then  
and there met together from many partes of  
*Scotland*. They did so, and at first found great  
difference of opinion. For some thought it  
lawfull, & (in respect of incōveniences likely  
to follow) verie expedient to depart frō the  
said Declinator. In the end (with consent)  
some of the Ministers were send to the Couñ-  
cell, for eschewing the present perill of their  
Brethren, to craue leaue for the prisoners to  
go, & cōferre with the Presbyteries (which  
send them in commission) anent that moti-  
on, without whose advice thei could do no-  
thing in the said matter. This denied, it was  
thought by the whole number of the Mini-  
sters, that the Prisoners could not passe frō  
their Declinator without great preiudice to  
the Kirk and Kingdome of Christ. Where-  
vpō thei were caried to the place of arraign-  
ment, and named for their Prolocutors Ma.  
*Thomas Craig, M. William Oliphant, M. Thomas  
Hope,*

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*Hope, & M. Thomas Gray*, who had all promised to speake for them; but the two former being absent were send for and refused to come. The other two by evident reasons made the lawfulness of the prisoners their proceedings, manifest to the consciences of all. But the prisoners them selues so cleared themselves & their cause, that their enemies were astonished, their doubtfull Brethrē resolved, & euery one that heard, satisfied. So that the Kings advocat was put to his shift, namely to charge the Assise only to finde, whether the prisoners had declined the Coūcels iudgment or no, to which purpose only he gave them proofes. And the Assise was so troubled that they would haue been ridde of the matter. But that denied, & they inclosed; at the first they all would haue censured the prisoners, which being signified to the Coūcell they willed the Iustice clerk, and *Henrie Steward* Chancellor of the Assise (in *England* called the Foremā of the Iurie) to deale with the prisoners, to see, if zet they might be made to depart frō their Declina-  
tor,



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tor; which beeing refused, they were sende back to the Assise to convict the prisoners in respect it was his Ma. wil, & it behoued so to be, for preparing way to their peace. Wherevpon it being voted 6. clensed, and the rest filed the Prisoners, to the vnspeakeable grief and discontent of all men, except, &c. But iudgement was suspended till his Ma. mind be knowne.

Whose minde (I hope) will be to reexamine matters, or to release the prisoners, lest otherwise he be guiltie of Innocent blood; zea the blood of the Lords holy ones (for such are faithful Ministers in a special sense) which is right precious in his sight. And therefore he saith, *Touch not mine anoynted, & do my Prophets no harme*. And the rather, because it is inacted 11. Iacob. 6. ca. 91. That all Assises (or Iuries) be inclosed alone, and no person to be suffered to be with them, nor to repaire to them vnder any pretence whatsoever, and that they bee not suffered to come out for whatsoever cause, till they being agreed, returne their answer to the iudge.

Other-

*anent the Assemb. of Minist. at Abirdeen.*

Otherwise, or in case any point of the saide act be transgressed, the parties accused to be holden, and pronounced cleare & innocent of the crimes and treasons then laid to their charge. Nay though there were no such statute, yet (I hope) his Ma: will take heed of such innocent bloud, because I haue experience of his naturall gracious disposition. For howsoeuer incensed by sic as sought themselves, he made greuous lawes against the Kirk in anno 1584. zea so, that hee put downe the Presbyteries and set vp Bishops: zet vpon better information & consideration, he put downe Papall Bishops, and set vp the Presbyterie as the ordinance of God. Again, his Ma. being verie wise, can not but perceyue how the titular Bishops which he hath made, grieving that they haue a title without Iurisdiction: And the late Commissioners of the Generall Assembly, aspiring to that transcendent authoritie, which they see Commissioners Ecclesiasticall exercise in *Englande*, vnder pretence of his Maie-

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Ma: prerogatiue, vse all the devises, friendes, and meanes they can, to incense his Ma: against all Presbyteriall government, especially the Generall Assembly, which holdeth all in aw.

Beseeching God to sanctifie and blesse his Maiestie, and his Royall Issue to iustifie wisdom, and comfort his people. I commend this Report to the Reader, and him to the grace of God. From my chamber the 21. of *February* 1606.



